Mr. WELLSTONE. I thank the Chair.

THE TEXAS-MAINE-VERMONT COMPACT

Mr. WELLSTONE. Mr. President, I would like to speak out this evening about an enormously important issue that has seldom, if ever, been addressed on the floor of the United States Senate. I understand my colleague needs to leave at 7, and I am going to try to figure out a way to accommodate him if at all possible. My understanding is, I will also have a chance to speak more about this in morning business.

This issue I want to address tonight has variously been called ''environmental discrimination,'' ''environmental equity,'' ''environmental justice,'' or ''environmental racism.'' These terms are used interchangeably to describe the well-documented tendency for pollution and waste dumps to be sited in poor and minority communities who lack the political power to keep them out.

Environmental justice has been at the center of the debate over H.R. 629, legislation granting congressional consent to the so-called Texas Compact. If passed unamended by this Congress, the Texas Compact would result in the dumping of low-level radioactive waste from nuclear reactors in Texas, Maine, and Vermont—and potentially from nuclear reactors all over the country—in the poor and majority-Latino town of Sierra Blanca in West Texas.

Environmental justice is an issue that demands the full attention of the Senate. If we pass this legislation unamended, we can no loner pretend to be innocent bystanders as one poor, minority community after another is victimized by political powerlessness—and, in some cases, by overt racism. We can no longer pretend that a remedy for this basic violation of civil rights is beyond our reach. That is the ultimate significance of this legislation—and of this debate.

The moral responsibility of the Senate is unavoidable and undeniable. If we approve H.R. 629 without conditions, the Compact dump will be built within a few miles of Sierra Blanca. There's really very little doubt about that. And if that happens, this poor Hispanic community could become the premier national repository for so-called ''low-level'' radioactive waste.

If we reject this Compact, on the other hand, the Sierra Blanca dump will not be built at all. The Texas Governor has said so publicly—more than once. It's as simple as that. The fate of Sierra Blanca rests in our hands.

Compact supporters would prefer that we consider the Compact without any reference to the actual location of the dump. But that simply cannot be done. It's true that H.R. 629 says nothing about Sierra Blanca. But we know very well where this waste will be dumped. In that respect, the Texas Compact is different from other compacts the Senate has considered.

The Texas legislature in 1991 already identified the area where the dump will be located. The Texas Waste Authority designated the site near Sierra Blanca in 1992. A draft license was issued in 1996. License proceedings are now in their final stages and should be completed by summer. Nobody doubts that the Texas authorities will soon issue that license.

There's only one reason why this dump might not get built—and that's if Congress rejects the Texas Compact. In an April 1998 interview, Texas Gov. George Bush said, ''If that does not happen,'' meaning congressional passage of the Compact, ''then all bets are off.'' In the El Paso Times of May 28, Gov. Bush said, ''If there's not a Compact in place, we will not move forward.''

For these reasons, we cannot fairly consider H.R. 629 without also considering the dump site that Texas has selected. Sierra Blanca is a small town in one of poorest parts of Texas, an area with one of the highest percentages of Latino residents. The average income of people who live there is less than $8,000. Thirty-nine percent live below the poverty line. Over 66 percent are Latino, and many of them speak only Spanish.

It is a town that has already been saddled with one of the largest sewage sludge projects in the world. Every week Sierra Blanca receives 250 tons of partially treated sewage sludge from across the country. Depending on what action Congress decides to take, this small town with minimal political clout may also become the national repository for low-level radioactive waste. And I understand plans for building even more dump sites are also in the works.

Supporters of the Compact would have us believe that the designation of Sierra Blanca had nothing to do with the income or ethnic characteristics of its residents. That it had nothing to do with the high percentage of Latinos in Sierra Blanca and the surrounding Hudspeth County—at least 2.6 times higher than the State average. That the percentage of people living in poverty—at least 2.1 times higher than the State average—was completely irrelevant.

They would have us believe that Sierra Blanca was simply the unfortunate finalist in a rigorous and deliberate screening process that fairly considered potential sites from all over the State. That the outcome was based on science and objective criteria. I don't believe any of this is true.

I am not saying science played no role whatsoever in the process. It did. Indeed, based on the initial criteria coupled with the scientific findings, Sierra Blanca was disqualified as a potential dump site. It wasn't until politics entered the picture that Sierra Blanca was even considered.

I think it is worth taking a moment to review how we got to where we are today. The selection criteria for the dump were established in 1981, and the Texas Waste Authority hired engineering consultants to screen the entire state for suitable sites.

In March 1985, consultants Dames & Moore delivered their report to the Authority. Using ''exclusionary'' criteria established by the Authority, Dames & Moore ruled out Sierra Blanca and the surrounding area, due primarily to its complex geology.

Let me quote from that report. Features ''applied as exclusionary as related to the Authority's Siting Criteria'' included ''the clearly exclusionary features of: complex geology; tectonic fault zones,'' et cetera. ''The application of exclusionary geological criteria has had a substantial impact'' in screening potential sites, the report observed.

In its final composite, the report explained, ''Complex geology and mountainous areas in West, West-Central, and the Panhandle of Texas were excluded,'' including the Sierra Blanca dump site.

The report also fund, ''Many tectonic faults occur in West Texas within massive blocks of mountain ranges. This area includes El Paso [and] Hudspeth'' counties ''and has undergone several phases or episodes of tectonic disturbance.''

Finally, it went on to observe that, ''Although not excluded, the remainder of Hudspeth Country does not appear to offer good siting potential.''

So much for the science. Repeatedly since the early 1980s, the Waste Authority has come back again and again to this politically powerless area. It has designated four potential sites in all, and—with one revealing exception—all of them were in Hudspeth County. There are only three communities in the entire County, all of them poor and heavily Latino, and all of them targeted by the Authority.

A 1984 public opinion survey commissioned by the Texas Waste Authority provides some useful context for the Authority's site selection process. The report, called ''An Analysis of Public Opinion on Low-Level Radioactive Waste Disposal in Selected Areas,'' noted the benefits of keeping Latinos uninformed.

The report states, ''One population that may benefit from [a public information] campaign is Hispanics, particularly those with little formal education and low-incomes. The Authority should be aware, however, that increasing the level of knowledge of Hispanics may simply increase opposition to the [radioactive dump] site, inasmuch as we have discovered a strong relationship in the total sample between increased perceived knowledge and increased opposition.''

The first site to be targeted was Dell City in Hudspeth County. The El Paso Herald-Post of March 6, 1984 recounts the controversy over that site selection. ''The [Texas Waste] Authority has set up certain criteria as guidelines for choosing a disposal site. It appears

to be ignoring its own rules.'' ''The Authority, instead of abiding by its written criteria, has set up an unspoken, alternate rule for locating the site. That is, 'The site shall be located where there are the fewest possible number of registered voters to protest.''' A disproportionately high number of Latinos in Hudspeth County are not registered to vote.

The Herald-Post goes on to describe some of the political maneuvering behind the initial selection of Hudspeth County. ''The plot thickens. The University of Texas system owns 500,000 acres of land around Dell City. Mrs. Dolph Briscoe, wife of the former governor, sits on the system's Board of Regents. Briscoe has extensive land holdings close to the other proposed site. So at a public meeting on October 25, 1983, in Dimmit County, Briscoe said he was encouraging the Authority to locate the site 'on state lands in Hudspeth County.'' The editorialists at the Herald-Post conclude, ''We haven't exactly got any heavyweights defending our interests in this matter.''

The one exception to the Authority's pattern of targeting the poor Latino communities in Hudspeth County was in 1985, after completion of the engineering consultants' report. Dames & Moore concluded that the ''best'' sites were in McMullen and Dimmit Counties, and the Waste Authority settled on a site in McMullen County. But this decision met with fierce opposition from politically powerful individuals. So the Authority decided once again to move the dump back to Hudspeth County.

At this point all pretense of objectivity was abandoned. The selection criteria were changed in 1985 so as to rule out the two ''best'' sites identified by Dames & Moore. The new criteria gave preference to sites located on state-owned land. This change had the effect of virtually guaranteeing selection of a site somewhere in Hudspeth County, large portions of which are owned by the state of Texas.

So the Waste Authority proceeded to designate, based on an informal and cursory process, five sites in Hudspeth County. Its clear choice, however, was Fort Hancock, one of the County's three poor Latino communities.

Unfortunately for the Authority, the more politically powerful city of El Paso next door decided to fight back. Together with Hudspeth County, El Paso filed suit against the site selection. They argued that the Hancock site was located in an area of complex geology—much like Sierra Blanca, incidentally—and lay on a 100-year flood plain. The amazing thing is that they won. In 1991 U.S. District Court Judge Moody ruled in their favor and ordered no dump could be built in Fort Hancock, Hudspeth County.

But the county's court victory was short-lived. The Waste Authority was clearly not about to give up. The Authority went back to the state legislature to get around Judge Moody's decision by once again changing the rules. A legislator from Houston, far to the East where the big utilities are based, proposed a bill that ignored all previous selection criteria and designated Fort Hancock once and for all. Interestingly enough, this maneuver aroused a great deal of public indignation, precisely because of the Authority's perceived discriminatory practice of dumping on Latino communities.

There was an impressive show of force against discrimination, but the outcome was not exactly what Hudspeth County had in mind. After Judge Moody's remarkable decision, lawyers for El Paso and the Waste Authority worked out a compromise. Fort Hancock would be saved, but a 400 square mile area further north in Hudspeth County would take its place. This oblong rectangle imposed on the map—an area that included Sierra Blanca—was subsequently dubbed ''The Box.'' The Texas legislature passed the so-called ''Box Law'' by voice vote only days before the end of session in May 1991.

Once again, the previous site selection procedures were stripped away. The Box Law repealed the requirement that the dump had to be on public land, the very requirement that has pointed the Authority towards Hudspeth County in the first place. This was necessary because, at that time, the Sierra Blanca site was not public land at all.

Most importantly, to prevent another troublesome lawsuit like the Fort Hancock debacle, the Box Law essentially stripped local citizens of the right to sue. It denied them all judicial relief other than an injunction by the Texas Supreme Court itself, and for this unlikely prospect citizens would be required to drive 500 miles to Austin.

This story is depressingly familiar. A similar scenario unfolds over and over again in different parts of the country, with different names and faces in every situation. Sometimes there is no intention by anyone to discriminate. But pervasive inequalities of race, income, and access to the levers of political power exercise a controlling influence over the siting of undesirable waste dumps.

The people who make these decisions sometimes are only following the path of least resistance, but in far too many instances the result is a targeting of poor, politically marginalized minority communities who lack the political muscle to do anything about it.

The remarkable thing about this story is that some people in Hudspeth County did fight back. Dell City fought back and won in the early 1980s. Fort Hancock fought back and won their court case in 1991. And make no mistake, the people of Sierra Blanca are fighting back, too.

Many of them have been here on the Hill. Father Ralph Solis, the parish priest for Sierra Blanca and Hudspeth County, was here in February, and visited many Senate offices. These people know that the odds are stacked against them, but they are persevering just the same.

One of the amendments I included in this bill is intended to give them a fighting chance. It gives them their day in court—the right to challenge this site selection on grounds of environmental justice. It says that the Compact cannot be implemented in any way—and that would include the siting process, the licensing process, or the shipment of waste to that site—that discriminates against communities because of their race, national origin, or income level.

If local residents can prove discrimination in court, then they can stop the Compact Commission from operating the dump. They don't have to prove intent, by the way, although that certainly would be sufficient. All they have to show is disparate treatment or disparate impact.

I believe very strongly that the Compact raises important and troubling issues of ''environmental justice.'' And a diverse array of civic organizations agree with me about this.

The Leadership Council on Civil Rights, the Texas NAACP, the Sierra Club, the League of United Latin American Citizens (or ''LULAC''), Greenpeace, the Bishop and the Catholic Diocese of El Paso, the House Hispanic Caucus, the United Methodist Church General Board of Church and Society, Friends of the Earth, Physicians for Social Responsibility, the Southwest Network for Environmental and Economic Justice, and the National Audubon Society, to name just a few, agree with me. I ask unanimous consent that a letter signed by these and other organizations be printed in the RECORD at the end of my statement.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. WELLSTONE. Mr. President, I know some of my colleagues don't believe issues of environmental justice are implicated here. Or they may think this is not a question for the Senate to decide. I believe this amendment meets those concerns. All my amendment does is give local residents the right to make their case in court. There is no guarantee they will win. After all, it is extremely difficult to prove environmental discrimination. I don't see how anyone would want to deny these people a chance to make their case.

Short of defeating the bill outright, I believe passing this amendment is the only way for us to do right by the people of Sierra Blanca.

Yet, as amazing as it sounds, Compact proponents also claim to have the best interests of Sierra Blanca at heart. They claim the Compact will protect local residents because it keeps out waste from states other than Maine and Vermont. They have used this argument again and again, in Sierra Blanca, in the Texas legislature,

in the House of Representatives, and they're using it again in the United States Senate.

Supporters of the Compact are trying to have it both ways. When challenged about the environmental justice of targeting Sierra Blanca, they respond that no site has been selected, and environmental justice can only be addressed if and when that ever happens.

Then in the same breath they insist that the dump in Sierra Blanca is definitely going forward and the Compact is therefore necessary to protect local residents from outside waste. So which is it? Either the Sierra Blanca dump is a done deal or it's not.

The truth is, the most likely scenario is that the dump will be built in Sierra Blanca if Congress approves this Compact, subject to any legal challenges, but the project will not go forward if Congress rejects the Compact.

The claim that the Compact will protect Sierra Blanca makes no sense on its face. The dump is unlikely to be built without congressional consent to this Compact; it does not need to be built; and the Compact would not protect Sierra Blanca in any event.

The simple fact of the matter is that the dump will most likely not be if the Compact fails. Governor Bush has made it very clear that the dump will not be built if Congress rejects the Compact. So the argument that Sierra Blanca needs the Compact for protection against outside waste is nonsensical. If Texas does not build a dump in Sierra Blanca, local citizens do not need to be protected from anything. Far from protecting Sierra Blanca, the Compact only ensures that a dump will be built in their community.

An article from the Texas Observer of last March explains why the Compact is necessary for the dump to go forward. ''Texas generates nowhere near enough waste on its own to fill a three million cubic feet dump, and by its own projections [the Texas Waste Authority] could not survive without Maine and Vermont's waste.''

Moreover, the Texas legislature has indicated it will not appropriate funding to build the dump if Congress rejects this Compact. Texas lawmakers refused the Waste Authority's request for $37 million for construction money in FY 1998 and FY 1999. In fact, the Texas House initially zeroed out all funding for the Authority, but funding for licensing was later restored in conference committee. My understanding is that construction funding was made contingent on passage of the Compact, whereupon Maine and Vermont will each be required to pay Texas over $25 million.

In fact, the Sierra Blanca dump does not really need to be built. You might have seen the headline in the New York Times on December 7 of last year: ''Warning of Excess Capacity in Nation's Nuclear Dumps—New Technology and Recycling Sharply Reduce the Volume of Nuclear Waste.''

The article discusses a study by Dr. Gregory Hayden, the Nebraska Commissioner for the Central Interstate Compact Commission. Dr. Hayden found that ''there is currently an excess capacity for low-level radioactive waste disposal in the United States without any change to current law or practice.''

He went on to explain, ''These disposal sites have had low utilization due to falling volumes since 1980. Thus, a high capacity remains for the future, without any change to the current configuration of which states may ship to which disposal site.'' Let me repeat the essential point: there is no compelling need for any new low-level radioactive waste dumps in this country. And if no new dump is built, nobody can argue that the Compact is needed to protect Sierra Blanca.

The most popular argument for building another dump involves disposal of medical waste. I'm sure all of you have heard it. It's claimed that waste from medical facilities and research labs is getting backed up—that it has to go somewhere.

But let me emphasize one central and indisputable fact: over the last few years, over 99 percent of the waste from Maine and Vermont has come from nuclear reactors. Less than one percent has been from hospitals and universities. And from all three states, 94 percent of the low-level waste between 1991 and 1994 came from reactors. This dump is being built—first and foremost—to dispose of radioactive waste from nuclear reactors, not from hospitals.

So why are the nuclear utilities hiding behind hospitals and universities? It's not very hard to figure out. In 1984 the Texas Waste Authority hired a public relations firm to increase the popularity of nuclear waste. The PR firm recommended, ''A more positive view of safe disposal technologies should be engendered by the use of medical doctors and university faculty scientists as public spokesmen for the [Texas Waste] Authority.'' ''Whenever possible,'' the report said, ''the Authority should speak through these parties.''

Well, that advice has been followed to the letter. We all have sympathies for hospital work and university research. I know I do. But that's beside the point. This controversy is really about waste from nuclear reactors.

If a dump is built nevertheless, the Compact offers little protection for local residents. The Compact Commission would be able to accept low-level radioactive waste from any person, state, regional body, or group of states. All it would take is a majority vote of the Commissioners, who are appointed by the Compact state governors.

Why should the people of Sierra Blanca expect unelected commissioners to keep waste out of their community? Is there anything in their recent experience that would justify such faith?

The fact is, the state will have every economic incentive to bring in more waste. The November 1997 report by Dr. Hayden concluded that ''the small volume of waste available for any new site would not allow the facility to take advantage of economies of scale. Thus, it would not even be able to operate at the low-cost portion of its own cost functions.''

The new dump will need high volume to stay profitable. The Texas Observer reports, ''A 1994 analysis by the Houston Business Journal suggests that the Authority would open the facility to other states to keep it viable.''

We have here the potential for establishing a new national repository for low-level nuclear waste. Not only will Texas have an incentive to bring in as much waste as possible, but the same will be true of nuclear utilities. The more waste goes to Sierra Blanca, the less they will be charged for disposal.

Rick Jacobi, General Manager of the Texas Waste Authority, told the Houston Business Journal: ''The site is designed for 100,000 cubic feet per year, which would be about $160 per cubic foot. But if only 60,000 cubic feet per year of waste arrives, the price would be $250 per cubic foot.'' That's a big difference.

As Molly Ivins says, ''That sure would drive up costs for Houston Lighting and Power and Texas Utilities.'' And the going rate at one existing dump is a whopping $450 per cubic foot. In the end, it will be in the economic interest of everyone—from the nuclear utilities to the Waste Authority—to ship as much waste to Sierra Blanca as they can.

My second amendment addresses this problem. Throughout the process of approving the Compact, supporters claimed the waste would be limited to three states. I want to hold them to that promise. My amendment puts that promise in writing.

I doubt anyone would disagree that this understanding was shared by everyone who participated in the Compact debate. If Compact supporters truly plan to limit waste to three states, which has been everyone's understanding all along, they can have no objection to my amendment. It's nothing but a protection clause. A nearly identical amendment—called the Doggett Amendment—was attached to the bill passed by the House.

There are other issues I was not able to address with amendments. I think there is a fundamental concern about whether this kind of disposal is safe at all. The League of Conservation Voters (LCV) warns that, despite the hazards involved, waste will be buried in soil trenches destined to leak, as have nuclear dumps in Kentucky, Illinois; and Nevada. LCV did score the House vote on final passage, and has announced that it may score Senate votes as well. I ask unanimous consent to place the LCV letter in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

LEAGUE OF CONSERVATION VOTERS,
Washington, DC, March 12, 1998.

Re oppose the Texas Low-Level Radioactive Waste Disposal Compact Consent Act.

U.S. Senate,
Washington, DC

DEAR SENATOR: The League of Conservation Voters is the bipartisan, political arm of the national environmental movement. Each year, LCV publishes the National Environmental Scorecard, which details the voting records of members of Congress on environmental legislation. The Scorecard is distributed to LCV members, concerned voters nationwide and the press.

Soon the Senate may be voting on S. 270, The Texas Low-Level Radioactive Waste Disposal Compact Consent Act. LCV urges you to vote against this bill, which is the key to opening a new nuclear dump near Sierra Blanca, Hudspeth County, Texas.

More than 99% of the radioactive waste shipped from Maine and Vermont in recent years was generated by nuclear reactors. Despite the misleading classification of ''low-level,'' many of these wastes are highly concentrated and some can give a lethal dose in about five minutes. Atomic power plant waste in this category includes long-lived elements like plutonium-239, which remains hazardous for 240,000 years, and cesium-135, which remains hazardous for 20 million years.

Despite its hazards, the waste would be buried in Texas in unlined soil trenches destined to leak, as nuclear waste dumps in Kentucky, Illinois and Nevada have. A survey of 27 other nations with radioactive waste programs found that not one of these nations allows shallow land burial of such long-lasting nuclear materials.

The selection of a poor Mexican-American community (which is already the site of one of the largest sewage sludge projects in the U.S.) has caused local environmentalists to file a civil rights complaint against the Texas. Maine and Vermont radioactive waste agencies. Furthermore, dumping radioactive waste near Sierra Blanca, approximately 16 miles from the Rio Grande River, would violate the 1983 La Paz agreement between the U.S. and Mexico, which commits both countries to prevent, reduce and eliminate pollution affecting the border area.

LCV's Political Advisory Committee will consider including votes on S. 270 in compiling LCV's 1998 Scorecard. Thank you for your consideration of this issue. If you need more information please call Betsy Loyless in my office at 202/785–8683.

Sincerely,

DEB CALLAHAN,
President.

Mr. WELLSTONE. Mr. President, there is also an obvious concern about the unsuitability of Sierra Blanca's geology—the exclusionary criterion from the 1985 Dames & Moore report. Sierra Blanca is situated right in the middle of the state's only earthquake zone. Its 1993 license application stated that this is ''the most tectonically active area within the state of Texas.'' In April 1995 there was a 5.6 earthquake 100 miles away, in Alpine, Texas. And there have been two tremors in the area in the last four years.

Radioactive Waste Management Associates (RWMA) of New York has conducted an independent investigation of the dump site and found its geology unsuitable for disposal of radioactive waste. RWMA notes that

research by the Texas Low-Level Radioactive Waste Disposal Authority has found that [there is] a fault in the bedrock buried beneath the Sierra Blanca site. Groups of earth fissures up to seven feet deep occur nearby.

RWMA concludes that

some important natural features of the site—its seismic hazard, its buried fault, and nearby earth fissures—are not suited to radioactive waste isolation. In our professional opinion, these are fatal flaws which mean that the proposed Sierra Blanca site cannot provide a high degree of assurance of waste containment.

I ask unanimous consent to enter the letter from RWMA into the RECORD.

The concern about the environmental impact of this dump extends well beyond the border. The Mexican equivalent of the EPA announced its opposition on March 5 on grounds that the Sierra Blanca dump poses an environmental risk to the border region. On February 11, the Mexican Congress, represented by its Permanent Commission, declared

that the project in Sierra Blanca in Texas, and all such dumping projects along the border with Mexico, constitute an aggression against national dignity.

Moreover, the project apparently violates the 1983 La Paz Agreement between Mexico and the US, which commits both countries to prevent pollution affecting the border area. I ask unanimous consent to enter these statements by Mexican authorities into the RECORD.

The environmental justice amendments I proposed have been endorsed by several newspapers and civic organizations. The Fort Worth Star-Telegram of May 1, 1998 reads,

The amendment to the Texas/Maine/Vermont Compact by Minnesotan Sen. Paul Wellstone is a good one. Too often in our country's industrialized history, poor, politically powerless minority communities have been targeted for unwanted hazardous waste dumps. . . . The Wellstone amendment needs to stay in the final version of the bill.

The Leadership Conference on Civil Rights wrote to likely conferees on May 14, 1998,

The Senate-passed bill contains two amendments sponsored by Sen. Paul Wellstone that we urge the conferees to include in any final conference report.

The Leadership Conference states that

a matter of increasing concern to the civil rights community [is] the disparate treatment of poor and minority communities regarding environmental siting issues, also known as environmental justice.

In recent years, our nation has gained a better understanding of the national pattern of discrimination in the placement of waste and pollution sites in disproportionately poor and minority communities.

By the end of their letter, the Leadership Conference ''strongly urge the inclusion of the Wellstone/Doggett amendments in any final bill approved by Congress.''

The Methodist Church's General Board of Church and Society wrote on April 30, 1998, ''We applaud and support these [Wellstone] amendments. They are a small victory for the victims of environmental racism.''

The Sierra Club wrote on June 4, 1998, ''Sen. Paul Wellstone has introduced two amendments that would improve the bill,'' though the Sierra Club believes the bill remains deeply flawed. I ask unanimous consent that all these statements be placed in the RECORD.

Not everyone has been so supportive, of course. I think it would be appropriate for me to respond to some of the arguments that have been raised against my amendments.

First, it's been suggested that passage of my amendments would require states to reratify the Compact. Second, a recurring theme echoed by Compact supporters is that Congress has never before attached these kinds of conditions to a state compact. Third, Senators from Compact states have suggested that no environmental discrimination could possibly have occurred in this case because residents of Sierra Blanca actually support the dump. Finally, it has also been claimed that the Compact is a state or local matter, in which people from other states have no business interfering.

As a preliminary matter, I question the relevance of these arguments—at least with respect to the Wellstone/Doggett amendment. This question has already been settled. Both the House and Senate have agreed to limit waste to the three Compact states. There really is very little for the conference committee to decide. I do not understand why we are even having this discussion at this stage in the process.

Nevertheless, I do want to respond to some of these arguments individually. First: the reratification argument. I believe there may be some confusion as to what my amendments actually do. As the House parliamentarian found with respect to the Doggett amendment, these amendments do not actually alter the Compact itself. Instead, they impose conditions on the consent of Congress.

The Compact, for constitutional reasons, cannot go into effect without that consent. And Congress has already conditioned its consent on certain other requirements. My two amendments simply add to that list of congressional conditions.

With regard to the Wellstone/Doggett limitation, there's no reason why this amendment should require reratification. When the Compact made its way through the legislative process the first time, everybody understood that waste would be limited to the three states. My amendment only reaffirms the common understanding of everyone involved. Why should states be required to reaffirm a principle to which they have already given their consent?

I'm not sure this conclusion is really so controversial—even within the Compact states themselves. I have in my hands an internal memorandum from Roger Mulder of the State Energy Conservation Office of the Texas General Services Commission. Mr. Mulder was an environmental aide to Gov. Richards and handled Compact issues in the Richards Administration. His memo is addressed to John Howard, an environmental adviser to Governor Bush. It is

dated October 10, 1997, just days after passage of the Doggett amendment in the House.

The first line of the memo reads, ''There appears to be a unanimous agreement that the Doggett amendment does not require the Texas Compact to be returned to the state legislatures.'' ''Unanimous agreement.'' That's not just the view of Mr. Mulder. According to his memo, that view is universally held.

The Mulder memo goes on to note that ''Maine appears to be leading the charge in the effort to drop the Doggett amendment.'' The reason? ''There is speculation that Maine believes it can send its decommissioned waste to Barnwell, South Carolina,'' get credit for the waste it otherwise would have sent to Texas, and ''then sell that credit at a substantial profit for Maine.'' That's what Mr. Mulder's memo says, at least.

Nevertheless, I have been willing—and remain willing—to allay any legitimate concerns Compact supporters may have about the need for reratification. I offered to instruct conferees to put Congress on record—in the statement of managers—that no reratification is required. My offer was rejected.

The second argument advanced by Compact supporters is that no previous Compact has received such shabby treatment at the hands of Congress. Even if Congress had never before attached these kinds of conditions, that would say nothing about how Congress should treat THIS Compact. Why should we be bound by what prior Congresses have done?

And besides, this Compact is different from previous ones. We know in advance where the Texas dump will be located. And this particular site selection raises important questions of environmental justice.

Third, Compact supporters go so far as to claim that local residents actually support the Compact, and therefore no discrimination could have been involved in the site selection. Even if it were true that the dump enjoyed local support, I don't see what this has to do with site selection.

But more importantly, my argument that local residents should have a chance to challenge the dump site does not depend—one way or the other—on whether the proposed Compact dump is popular in Hudspeth County. I am simply saying that there should be some forum to resolve the claims of environmental discrimination that have been raised. I cannot say for certain what the outcome of such a challenge would be. But local residents should at least have a chance to make their case.

In any event, the argument that local residents support the dump is simply not true. I am surprised to hear it being made. Local congressmen of both parties seem to agree on this point. The Republican congressman who represents Hudspeth County, HENRY BONILLA, wrote to the Senate on March 13, 1998: ''My constituents adamantly oppose this legislation.''

In a letter to senators dated February 2, Democratic Congressmen DOGGETT, REYES, and RODRIGUEZ wrote,

> The [House] bill passed despite overwhelming opposition by the residents in Hudspeth County, Presidio County, Jeff Davis County, Culberson County, Val Verde County, Reeves County, Webb County, Brewster County, the cities of Sierra Blanca, Del Rio, Brackettville, Marfa, Van Horn, and Alpine, and the governor of the neighboring state of Chihuahua.

In fact, 22 of the surrounding counties have passed resolutions opposing the dump, as have 11 nearby cities. No city or county, to my knowledge, has passed a resolution in favor.

Jeff Davis County did pass a resolution of support while under the impression that the Compact would keep waste out of Texas. When informed that the Compact would do no such thing, they reversed their vote almost immediately. Compact lobbyists nevertheless continue to cite the first resolution.

The only poll ever taken in Hudspeth County showed massive opposition to the dump. In 1992 the Texas Waste Authority commissioned K Associates of El Paso to conduct a telephone poll. That poll found 64 percent of Hudspeth and Culberson County residents opposed the dump.

Opposition was surely even stronger than that, since poor residents without telephones were greatly underrepresented in the survey. Only 33 percent of respondents to this poll were Hispanic, while Hispanics account for 66 percent of the local population. As a general proposition, I understand that the dump is much more unpopular with the Latino majority than with the white minority.

I don't know anyone who has ever attended a local meeting over the dump could have any doubts about how local residents feel. Over 700 county residents showed up at a public hearing on April 21, 1992. While 90 people spoke, only two supported the dump. At another public hearing in August 1996, over 80 percent of those attending spoke out against the dump.

Local opponents of the dump have collected an overwhelming number of signatures in opposition. Over 800 local residents, all of them adults, have signed petitions opposing the dump. These include two out of four commissioners on the County Commissioner's Court—Wayne West and Curtis Carr. (A third commissioner—Jim Kiehne—has publicly stated his opposition).

My understanding is that dump supporters have only managed to collect around 30 to 40 names. Many who signed the petitions in support of the dump later said they were confused; the petition claimed to be protecting Sierra Blanca from outside waste. Some of them have also signed petitions opposing the dump.

I think the most reliable testimony about local opposition to the dump comes from Father Ralph Solis, the Catholic parish priest for Sierra Blanca and Hudspeth County. He visited Washington in February to let Senators know how much his parishioners oppose their dump:

> Before leaving for Washington D.C., the people of the parish said to me, ''Please, father, make them understand that we do not want radioactive nuclear waste.'' All of us in far west Texas implore the Senate to take a good look at us and realize that we are real people in danger and without any real voice. . . . We beg the Senate to stand with us as like our sisters and brothers from other faiths and Christian denominations from across the country. I am here with this group from West Texas, a few small voices trying to speak for so many. Please, we beg you, do not abandon us.

Citizens across the state seem to feel the same way. In a state wide poll conducted in October 1994, 82 percent of Texans opposed ''the proposal to store out-of-state radioactive materials in Texas near Sierra Blanca.'' Only 13 percent favored the proposal.

Senators from Compact states have touted the views of two local figures as proof of Sierra Blanca's support for the dump. One of these individuals is a banker who heads the local economic development commission, which is funded by the Texas Waste Authority. My understanding is that he is a resident of Santa Teresita, not of Sierra Blanca. He developed a connection to Sierra Blanca in 1994 when he became president of the local bank.

The other local figure is Judge James Peace, the County Judge who presides over the County Commissioners' Court. Both Judge Peace and other Compact supporters have claimed his reelection in March of this year, with 54 percent of the vote, is proof that local voters support the Compact. But can anyone honestly claim that the dump was an issue in his reelection campaign, or that local residents were aware of his position on the dump?

An editorial in the Hudspeth County Herald of April 17, 1998, addresses Judge Peace's claims. It says that the March elections were not a referendum on the dump, and that many other issues were involved. ''In no way, Judge Peace, was the dump implied in the last election.'' More importantly, it says, ''Your letter states that you have always been a vocal supporter of the dump . . . which is not true. Do you remember your first campaign? You told the folks when you sat in their living rooms that you were opposed to the dump.''

Judge Peace recently traveled to Washington and met with me in my office. He is a very nice man, and I very much enjoyed our meeting. Indeed, Judge Peace told me directly to my face that he supports the Wellstone/Doggett amendment. He later wrote me a letter reversing his position. I can see why local residents might be a little confused about where he stands.

Finally, it is argued that the Compact is a matter for the three states to decide, that selection of the dump site is Texas' business, and that outsiders should mind their own business. More specifically, I have been asked why, as

a senator from Minnesota, I should have such a deep and abiding interest in this matter.

The simple answer is that, if this were only a matter for the three states to decide, H.R. 629 would not be before the Senate. The Compact cannot go into effect without the consent of Congress. And the dump will not go forward without the Compact.

The decision whether to build this dump depends on how we decide to proceed on this bill. That's what it boils down to. It is quite obvious to me that we cannot avoid responsibility for our votes and our actions in this matter.

My driving concern has always been very simple. I cannot stand by and watch while a poor, politically powerless, Latino community is targeted to become the premier repository of low-level nuclear waste for the entire country. Much less give it my blessing. Not when I have the power to do something about it.

As a very basic proposition, I think we can all agree that it's wrong for poor, politically powerless, minority communities to be singled out for the siting of unwanted hazardous waste dumps. It's wrong when that happens in Sierra Blanca, and it's wrong when it happens in hundreds of other poor minority communities all across this country.

I want to do whatever I can to stop it, and I don't see why every one of us should not want to do the same. I don't understand why it should be considered unusual for a senator to care about these things. On the contrary, I think it should be unusual for a senator not to care about these things.

The broader point is that environmental justice is not just a local issue, but a national one. There are some issues of fundamental justice that rise to a level of national importance, and this is surely one of them.

I think it's high time for the Senate to just say ''no.'' Not just to the Sierra Blanca dump, but to a national pattern of discrimination in the location of waste and pollution. We have to face up to these urgent issues of environmental justice—sooner rather than later.

The primary reason I came to the floor today was to draw my colleagues' attention to the pressing issue of environmental justice. But I had another motive as well. I wanted to explain the history of the debate over this bill.

I wanted to make sure there is no confusion over what agreements have been made, how the Senate amendments would work, what the mandate of the conference committee is, and what we can expect if the conference violates that mandate.

Let us step back for a moment and review how we got to where we are today. Over the past year I expressed vehement opposition to any Compact legislation that did not address the issue of environmental justice. I offered my two amendments in an effort to do just that. The resulting standoff prevented this bill from coming to floor for almost a year.

Finally, about three months ago, senators from Compact states agreed to include my two amendments. On April 1 of this year, the Senate unanimously approved them both.

Unfortunately, however, after agreeing to my amendments, senators from Compact states suggested publicly that the amendments should be stripped in conference committee. So as a condition of going to conference, I insisted that conferees be instructed to keep the amendments in any bill reported back to the Senate.

Let me, since I will have time to talk more about this and I want to accommodate my colleague, talk about one other amendment that we have also attached to this piece of legislation.

This amendment, Mr. President, essentially says, if colleagues are going to say that there should only be radioactive waste from Maine and Vermont, if that is what the Texas legislature intended, then we should make it clear when we pass this compact that that will be the case. This was the Doggett amendment in the House of Representatives which passed the House, and this was also a part of an amendment that has passed the Senate as well.

Let me just kind of be clear about what this unanimous consent says. We are now instructing the conference committee that they are to support these two amendments, which the Senate has now gone on record supporting. All of my colleagues are on record, because the Senate has voted to support these two amendments, that the people at least should have a chance to go to court. And, if they can prove discrimination, they ought to be able to make their case.

They ought to at least be able to make that appeal. And secondly, if we are saying that this waste is only going to come from Maine and Vermont because the people in Sierra Blanca and people of Texas are worried this will become a national repository site for nuclear waste, then we make it clear in the amendments that, indeed, will be the case.

Now, Mr. President, in conclusion, although I will have more to say all week about this, Senators from the compact States were first reluctant to give those instructions. Their objections have delayed the conference for the last month. Then last week—and I am glad they did so—they withdrew their objections and agreed to insist on the Wellstone amendments. It was this agreement that will allow H.R. 629 to go to conference.

In other words, I will keep my word all the way through. I said I was just trying to get these amendments onto the bill because I think these amendments would lead to much more fairness and much more justice for the people in Sierra Blanca.

Well, now we are about to go to conference and I only want to emphasize one point. The Senate has now agreed unanimously, including Senators from the compact States, to instruct conferees on the Wellstone amendments. Conferees should not report back to the Senate any bill that has been stripped, where the amendments have been taken out. Without those environmental justice amendments, there should be no bill. If there is a compact which is approved without the people in Sierra Blanca having the right to challenge this in court, if they can show discrimination, and without the assurance that this waste will only come from Vermont and Maine, then this will be an injustice and the Senate should not let that happen. Any attempt to strip these amendments from the bill, which is what the nuclear utilities would like conferees to do, would make a mockery of the House and Senate votes to include the Wellstone and the Doggett language. It would make a mockery of Senate instructions and would make a mockery of our professed concern for environmental justice.

When the House and Senate have both decided to include these amendments, the conference committee really has no business trying to strip them out. I think that would be the kind of backroom deal that makes Americans disgusted with politics. That would be the legislative process at its worst—serving the interests of the nuclear utilities over interests of people who lack comparable access to the levers of political power.

If that happens, Mr. President, not only would Congress be denying a remedy for environmental discrimination, not only would Congress be giving a green light to the Sierra Blanca dump, not only would Congress be giving a seal of approval to the targeting of a poor majority-Latino community for disposal of radioactive waste, if the conference committee proceeded to drop these amendments, they would provide a striking example of unequal access to political power here in Washington that produces environmental discrimination in the first place.

The issue of environmental justice deserves better than that. The people of Sierra Blanca deserve better than that. And the American people have a right to expect a higher level of conduct from their elected representatives. I will take advantage of every procedural means at my disposal to make sure that does not happen.

Mr. President, to accommodate my colleague's schedule, the Presiding Officer, I conclude my remarks and yield the floor.

EXHIBIT NO. 1

SIERRA CLUB, LEAGUE OF UNITED LATIN AMERICAN CITIZENS (LULAC), PHYSICIANS FOR SOCIAL RESPONSIBILITY (PSR), NATIONAL AUDUBON SOCIETY, FRIENDS OF THE EARTH, U.S. PUBLIC INTEREST RESEARCH GROUP, PUBLIC CITIZEN, GREENPEACE, GREENPEACE MEXICO, CATHOLIC DIOCESE OF EL PASO, SAVE SIERRA BLANCA, AND 109 NATIONAL, INTERNATIONAL, REGIONAL, STATEWIDE AND LOCAL ORGANIZATIONS,

March 11, 1998.

Senator PAUL D. WELLSTONE,
U.S. Senate,
Washington, DC.

DEAR SENATOR WELLSTONE: We ask that you vote against S. 270, the ''Texas Low-Level Radioactive Waste Disposal Compact Consent Act'' because it:

Approves of what appears to be environmental racism that resulted in selecting a poor[1] Mexican American community[2] which does not want the dump[3] and is already the location of one of the largest sewage sludge projects in the country.[4] It is one of numerous proposed radioactive and hazardous facilities along the Mexican border.

Although the Compact does not expressly designate Hudspeth County, the Faskin Ranch near Sierra Blanca clearly has been chosen and a draft license approved. The decision Congress now faces on Compact approval cannot be made in a vacuum, ignoring serious environmental justice questions that have been raised about the site selection process. Congressional approval would make challenging the unjust procedures that have been carried out, in apparent contradiction of the 1994 Executive Order on environmental justice, more difficult because more out-of-state money, pressure and legal commitments will come to bear.

We caution Congress not to be complicit in what has become, whether intentional or not, a repulsive trend in this country of siting the most hazardous and undesirable facilities in poor communities with high percentages of people of color. Texas is second only to California, another proposed radioactive dump state, in the number of commercial hazardous waste facilities located in communities with above-national-average percent people of color.[5]

Deals with intensely radioactive materials which, despite their classification as ''low-level,'' are not low risk and include all the same elements as high-level waste from nuclear power and weapons. Nationally, nuclear power waste comprises the vast majority and medical waste consistently comprises less than one tenth of a percent of the radioactivity in so-called ''low-level'' waste.[6] For Main and Vermont, 99.5% to 100% is from nuclear reactors[7] and lasts for centuries. In contrast, medical treatment and diagnosis wastes characteristically have tiny amounts of relatively low-concentrations of radioactivity with very short hazardous lives.[8] Options other than burial with reactor waste are technically viable and need exploration.

Potentially threatens the Rio Grande by permitting burial of long-lasting (hundreds to millions of years hazardous[9]), highly concentrated wastes (some can give a lethal dose in about 5 minutes[10]) in soil trenches destined to leak[11] and requiring only 100 years of institutional control.[12]

According to the 1993 license application for the Sierra Blanca site, it is part of ''the most tectonically active area within the State of Texas.'' The atomic waste is proposed to be buried directly above a fault. This presents an unacceptable risk from earthquakes.

Violates the 1983 La Paz Agreement with Mexico in which both countries agreed to cooperate to ''. . . prevent, reduce and eliminate sources of pollution . . . which affect the border area . . .'' The site, approximately 16 miles from the Rio Grande, is well within the ''border area'' (63 miles on each side of the border).

Opens the door to waste from all over the country, despite claims to the contrary. The Compact has numerous provisions[13] for importing radioactive waste from more generators than those in Maine, Vermont and Texas. The Compact Commission (governors' appointees from Texas, Maine, Vermont and any future party states) will have the power, without legislative or local approval, to enter into agreements to take waste from out of compact.[14] With a majority vote of the Compact Commission and the Texas legislature, other states may become party states. So, to claim that the Compact protects from other states dumping is misleading and false.

Has numerous loopholes in the provisions that are touted to limit out-of-compact waste volume to 20% of the amount Texas dumps. This is misleading because it is the amount of radioactivity that is of concern. There is no limit on the amount of radioactivity that can be imported into the proposed Texas dump. Wastes imported from non-party states via agreements are not subject to the 20% limit. The limit is only an estimate based on a 50-year projection and it can be changed.[15] It does not apply to wastes brought in for ''processing.'' A major radioactive waste processor has entered into an option agreement[16] to lease property neighboring the proposed dump, thus indicating another avenue for unlimited volumes of radioactive waste going to Hudspeth County.

Appears to violate Title VI of the 1964 Civil Rights Act passed by Congress to prevent discriminatory activities and prohibiting use of federal money for programs that discriminate.[17]

Will result in thousands of miles of unnecessary transportation of dangerous radioactive materials including plutonium, cesium, and strontium from atomic power plants. Wastes will be trucked from Maine, Vermont, east Texas and, very likely, other locations, to the border area.

For these reasons, we urge that you give S. 270 close scrutiny and a ''No'' vote.

For further information (including contact information on the following signers) please contact Diane D'Arrigo at Nuclear Information and Resource Service (202) 328–0002 (ext 2).

Thank you,

Signers Opposing S. 270, The Texas Compact and Sierra Blanca Nuclear Waste Dump:

ACES/Hudspeth Directive for Conservation, Alliance for Survival, Americans for a Safe Future (CA), Arizona Safe Energy Coalition, Asociacion Mexicana de Estudios para la Defensa del Consumidor, Asociation Ecologica Santo Tomas, Audubon Council of TX, AWARE, Andrews, TX, Blue Ridge Environmental Defense League, Border Coalition Against Radiation Dumping, Border Environmental Network, California Communities Against Toxics, Catholic Diocese of El Paso, Center for Environmental Health, Citizen Alert (NV), Citizen Action Coalition of Indiana, Citizens Awareness Network (New England), Citizens Protecting Ohio, Citizens at Risk: Cape Cod (MA), Citizens Energy Coalition (NJ), Coalition for Nuclear Power Postponement (DE), Comite de Derechos Humanos de Tabasco, Committee for a Safe Energy Future (ME), Communities Helping Oppose Radioactive Dumping (NJ), Connecticut Opposed to Waste, Consejo Ecologico de Mazatlan, Conservation Council of North Carolina, Crescere, Desert Citizens Against Pollution, and Donald Judd Foundation (TX).

Earth Day Coalition (OH), Earth Island Institute, Earthjustice Legal Defense Fund, EarthWINS (WI), Environmental Coalition on Nuclear Power (PA), Fort Davis TX Chamber of Commerce, Friends of the Earth, GE Stockholders Alliance, Global Resource Action, Grandmothers for Peace Internat'l., Greenpeace, Greenpeace Mexico, Grupo De Los Cien, Grupos de Estudios Ambientales, Hightower Radio, Hoosier Env'tal Council (IN), HOPE (NE), Houston Audubon Society, Indigenous Environmental Network (AK), Indigenous Environmental Network, Internatl'l Env'tal Alliance of the Bravo, League of United Latin American Citizens (LULAC), Madres de East Los Angeles, Marfa TX Chamber of Commerce, Mennonite Central Committee, Wash. Office, Missouri Coalition for the Environment, and Movimiento Alterno para la Recuperacion de los Ecosistmas.

Nat'l Env'tal Coalition of Native Americans, National Audubon Society, NC WARN, NC Ground Zero, New England Coalition on Nuclear Pollution, Nuclear Guardianship Project, Nuclear Waste Citizens Coalition, Nuclear Information & Resource Service, Oilwatch Mexico, Oyster Creek (NJ) Nuclear Watch, Peace Farm, Amarillo, People Organized to Stop Toxics, Dallas, People for Community Recovery (IL), Physicians for Life, Physicians for Social Responsibility, Plutonium Free Future, Prairie Island Coalition (MN), Prairie Alliance (IL), Presbyterian Church USA, Wash. Office, Presidio County TX Attorney, Public Citizen, and Public Citizen Texas.

Radioactive Waste Management Associates, Rio Grande Restoration (NM), Safe Energy Communication Council, Save Sierra Blanca, Save Ward Valley, Shundahai Network, Sierra Club, Sierra Blanca Legal Defense Fund, SMART (Mothers Against Radioactive Transport), South West Organizing Project, Southern Organizing Committee for Economic and Social Justice, Southwest Network for Environmental and Economic Justice, Southwest Public Workers Union, Serious Texans Against Nuclear Dumping (STAND), Students for Earth Awareness, Texans United, The Greens/Green Party USA, and Three Mile Island Alert.

U.S. Public Interest Research Group, Union of American Hebrew Congregations, Union de Grupos Ambientalistas de Mexico, United Methodist General Board of Church & Society, Vermont Public Interest Research Group, Yggdrasil Institute (US/France), ZHABA, Water Information Network, West Texas Catholic Ministries, Westchester Peoples Action Coalition, and Women's International League for Peace & Freedom.

FOOTNOTE'S

[1] 1990 Census of Population and Housing, Hudspeth County, Texas, pg. 1. Per capita income $7,994.

[2] Neighbor, Howard D. ''Low-Level Radioactive Dumpsiting in West Texas: Another Example of Texas Racism?'' University of Texas at El Paso, delivery at WSSA/ABS, January 22, 1994, p.6: ''65% of Hudspeth County population is Mexican American.''

[3] Telephone survey prepared for Texas Low Level Radioactive Waste Disposal Authority by K Associates, El Paso, TX, January 1992.

[4] Salopek, Paul and David Sheppard, El Paso Texas, ''Desert-bound Waste: Poison or Promise?'' June 14, 1992, ''It will be the nation's largest effort to artificially fertilize desert rangeland with human waste.'' MERCO Joint Venture, an Oklahoma based waste handler is land spreading NY City sewage sludge in the same area as the proposed atomic waste site.

[5] Goldman, Benjamin A. and Laura Fitton, ''Toxic Wastes and Race Revisited,'' Center for Policy Alternatives, NAACP and United Church of Christ Commission for Racial Justice, 1994, p.11.

[6] DOE annual State-by-State Assessments of LLRW Shipped to and Received at Commercial Disposal Sites 1985–1995.

Footnotes at end of letter.

[7] State-by-State Assessment of Low-Level Radioactive Wastes Received at Commercial Disposal Sites, DOE/LLW–181 (1993), DOE/LLW–152 (1992) DOE/LLW–132 (1991), DOE/LLW–224 (1994), DOE/LLW–237 (1995).

[8] Hamilton, Minard, ''Radioactive Waste: The Medical Factor,'' Nuclear Information and Resource Service, January 1993.

[9] The hazardous life of a radioactive material is generally 10 to 20 half-lives, the time it takes to decay to a thousandth to a millionth of the original amount. The radioactive waste from atomic power plants that would go to Sierra Blanca includes plutonium-239 hazardous for 240,000 to 480,000 years, iodine-129 hazardous for 170 to 340 million years, cesium-135 hazardous for 20 to 40 million years, cesium-137 hazardous for 300 to 600 years, nickel 59 hazardous for 800,000 to 1.6 million years.

[10] Cesium-137 can be present in ''low-level'' radioactive waste up to 4600 curies per cubic meter (NRC 10 CFR 61.55 ''Waste Classification.''), and that amount can deliver a lethal dose in approximately 5 minutes.

[11] Nuclear Regulatory Commission (NRC) regulations 10 CFR 61.41 ''Protection of the General Public from releases of radioactivity'' allows ''[c]oncentrations of radioactive material [to be] . . . released to the general environment in ground water, surface water, air, soil, plants or animals'' that results in doses up to 25 millirems/year to whole body and any organ but the thyroid which can receive 75 millirems/year. ''Millirems are an expression of biological damage to tissue from ionizing radiation and not directly measurable. Such a standard is unenforceable, relying upon unverified computer modeling to predict, no guarantee, compliance.

[12] NRC regulations 10 CFR 61.59(b) NRC ''Institutional control. . . . institutional controls may not be relied upon for more than 100 years . . .''

[13] HR 629/S.270: Section 2.01(13) Texas, Maine and Vermont are only the ''initial'' party states; Section 3.05(6) Authority to ''[e]nter into an agreement with any person, state, regional body, or group of states for the importation of low-level radioactive waste into the compact for management or disposal . . .;'' Section 7.01 ''Any other state may be made eligible for party status . . .''

[14] HR 629/S.270: Section 3.05(6).

[15] HR 629/S.270: Section 7.09. The compact expressly provides for contracting and compacting with more states.

[16] ''Option Agreement,'' The Scientific Ecology Group, Inc. and Cynthia Hoover, March 7, 1994.

[17] Carman, Neil J., Lone Star Chapter Sierra Club, ''Civil Rights and Environmental Justice Executive Order applicability to proposed Low-Level Radioactive Waste Dump near Sierra Blanca, Texas'' letter, June 24, 1994.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

The PRESIDING OFFICER. Under the previous order, the Senate stands adjourned until 9:30 a.m., Tuesday, June 16.

Thereupon, the Senate, at 7:03 p.m., adjourned until Tuesday, June 16, 1998, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate June 15, 1998:

DEPARTMENT OF STATE

JAMES HOWARD HOLMES, OF VIRGINIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF LATVIA.

STEVEN ROBERT MANN, OF PENNSYLVANIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF TURKMENISTAN.

KENNETH SPENCER YALOWITZ, OF VIRGINIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF GEORGIA.

IN THE ARMY

THE FOLLOWING ARMY NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be brigadier general

COL. DALE R. BARBER, 0000.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be brigadier general

COL. ROBERT T. DAIL, 0000.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C. SECTION 12203:

To be brigadier general

COL. ROBERT A. COCROFT, 0000.

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C, SECTION 601:

To be vice admiral

REAR ADM. JAMES F. AMERAULT, 0000.

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY UNDER TITLE 10, U.S.C., SECTIONS 624 AND 628:

To be major

ANGELA D. MEGGS, 0000.

IN THE MARINE CORPS

THE FOLLOWING NAMED LIMITED DUTY OFFICER FOR APPOINTMENT TO THE TEMPORARY GRADE INDICATED IN THE UNITED STATES MARINE CORPS UNDER TITLE 10, U.S.C., SECTION 6222:

To be captain

MICHAEL J. COLBURN, 0000.

IN THE NAVY

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADES INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTIONS 624 AND 628:

To be commander

JOHN S. ANDREWS, 0000.
WILLIAM G. DAVIS, 0000.

To be lieutenant commander

GREGORY S. LEPKOWSKI, 0000.
WILLIAM M. STEELE, 0000.

CONFIRMATIONS

Executive nominations confirmed by the Senate June 15, 1998:

UNITED STATES ENRICHMENT CORPORATION

MARGARET HORNBECK GREENE, OF KENTUCKY, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE UNITED STATES ENRICHMENT CORPORATION FOR A TERM EXPIRING FEBRUARY 24, 2003.

DEPARTMENT OF JUSTICE

JAMES K. ROBINSON, OF MICHIGAN, TO BE AN ASSISTANT ATTORNEY GENERAL.

THE JUDICIARY

ROBERT D. SACK, OF NEW YORK, TO BE UNITED STATES CIRCUIT JUDGE FOR THE SECOND CIRCUIT.